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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

IN RE:

ARMANDO T. MORENO,

Debtor.

Case No. 19-70114-HDH-13

Chapter 13

UNION SQUARE CREDIT UNION,

Movant,

VS.

ARMANDO T. MORENO,

Respondent.

(A CONTESTED MATTER)

HEARING DATE: MAY 13, 2020, AT 9:00
A.M.

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES FIRST NATIONAL BANK OF WICHITA FALLS, Movant, and files this request for relief from the automatic stay of 11 U.S.C. §362(a) and in support thereof would respectfully show unto the Court the following:

1. Jurisdiction. This Court has jurisdiction of this contested matter pursuant to 28 U.S.C.

§§157 and 1334, 11 U.S.C. §362, and by virtue of the fact that Respondent has filed a petition seeking relief under Title 13 of the United States Code in the above referenced bankruptcy case. Further, Movant is a creditor in this case and, therefore, an interested party. This contested matter is a core proceeding.

2. Indebtedness and Security. At the time of the filing of the petition for relief in this case, Movant was, and continues to be a creditor of Respondent. Among the collateral in which Movant has been granted a security interest or lien to secure payment and performance of Movant's claim is the following property (the "Collateral"):

Lot 87 of RIVER VIEW ESTATES, Pima County, Arizona, according to the map of record in the office of the County Recorder, Pima County, Arizona, in Book 56 of Maps and Plats at page 19; thereafter, amended by Declaration of Scrivener's Error in Docket 11953, page 2008.

3. Grounds for Relief From Stay. No equity exists in the Collateral for the benefit of the estate and the Collateral is of inconsequential value and benefit to the estate. Debtor has indicated that they wish to surrender the above Collateral.

4. Relief Requested. Movant further requests that the automatic stay be terminated with "in rem" relief, to protect the property from any future bankruptcy filings by this Debtor, Debtor's spouse, and any persons acting in concert with Debtor.

Movant further requests that the provisions of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure be waived to enable Movant, its successors and assigns, to immediately enforce and implement the terms of the proposed order granting relief from automatic stay.

5. Attorneys' Fees. Debtor's actions caused Movant to retain the undersigned counsel to represent it in this matter and Movant has incurred and will incur reasonable attorneys' fees and

costs for the preparation of this Motion, proposed Order, negotiations with the Debtor, and attendance at the hearing, if required.

Relief Requested

WHEREFORE, Movant requests that this matter be set for a hearing and that upon such hearing the Court enter its order granting Movant relief from the automatic stay of 11 U.S.C. §362(a) by excepting from such stay foreclosure of Movant's lien or security interest in the Collateral and authorizing Movant to take possession of the Collateral and to exercise its rights in the Collateral as a secured creditor in accordance with applicable law. That the provisions of Rule 4001(a)(3) of Federal Rules of Bankruptcy Procedure be waived to enable Movant, its successors and assigns, to immediately enforce and implement the terms of the proposed order granting relief from automatic stay. Alternatively, that the Court grant in rem relief as to the property, which relief prohibits Debtor and all persona and/or entitles acting in concert with Debtor directly or indirectly from taking any actions in obtaining possession of the property and that said relief be made binding in any and all Chapter 7, 11 and 13 cases, as to the property and as the Debtor, any transferees, assigns, or others with a possessory interest for 180 subsequent to entry of this order. Movant requests such other relief as may be just and proper.

NOTICE

THE TRUSTEE (IF ONE HAS BEEN APPOINTED) OR THE DEBTOR SHALL FILE A RESPONSE TO ANY MOTION FOR RELIEF FROM THE AUTOMATIC STAY WITHIN 12 DAYS FROM THE SERVICE OF THE MOTION. (UNDER BANKRUPTCY RULE 9006(F) 3 DAYS ARE ADDED TO THE PERIOD FOR FILING A RESPONSE WHEN NOTICE OF THE PERIOD IS SERVED BY MAIL). THE DEBTOR'S RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED. IF THE DEBTOR DOES NOT FILE A RESPONSE AS REQUIRED, THE ALLEGATIONS IN THE CREDITOR'S MOTION FOR RELIEF FROM THE

AUTOMATIC STAY SHALL BE DEEMED ADMITTED, UNLESS GOOD CAUSE IS SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

Respectfully submitted,

/s/ Gregory A. Ross
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion was on April 15, 2020, duly served on all parties of interest.

/s/ Gregory A. Ross
Gregory A. Ross

CERTIFICATE OF CONFERENCE

I do hereby certify that on April 13, 2020, I conferred with the attorney for the Respondent and was advised that the relief requested in the Motion is opposed by Respondent.

DATED: April 15, 2020

/s/ Gregory A. Ross
Gregory A. Ross